

STATEMENT OF BASIS

as required by LAC 33:IX.2411, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0073091; AI 1173; PER19980002** to discharge to waters of the State of Louisiana as per LAC 33:IX.2311.

The permitting authority for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

- I. **THE APPLICANT IS:** Southern Scrap Material Company, LLC
109 Northpark Boulevard, Suite 320
Covington, LA 70433
- II. **PREPARED BY:** Todd Franklin
- DATE PREPARED:** July 12, 2006
- III. **PERMIT ACTION:** Issue LPDES permit LA0073091, AI 1173; PER19980002

LPDES application received: September 17, 1998

EPA has not retained enforcement authority.

Previous LPDES Permit Number: LAR05M078

This facility gained coverage under the LPDES Multi-Sector General Permit (MSGP) on May 21, 2001. This general permit expired on April 30, 2006. The MSGP was reissued and effective on May 1, 2006. This facility currently is covered under this general permit. **Upon the effective date of the individual permit, the MSGP permit will automatically be terminated.**

IV. **FACILITY INFORMATION:**

- A. The application is for the discharge of treated sanitary wastewater, bilge and ballast waters and stormwater associated with industrial activity from a scrap metal recycling facility.
- B. The facility is located at 4801 Florida Avenue in New Orleans, Orleans Parish.
- C. Outfall 001

Description: bilge and ballast waters from vessels that will be recycled at the facility

Discharge Location: Latitude 29° 59' 9" North
Longitude 90° 1' 9" West

Located on the west side of the vessel recycling facility

Average Flow: 0.05 MGD (as reported on application)

Treatment: a filtration unit and an oil water separator

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Outfall 002

Description: treated sanitary wastewater

Discharge Location: Latitude 29° 59' 2" North
Longitude 90° 0' 53" West

Located on the southeast side of the property

Design Capacity: 500 GPD

Treatment: mechanical treatment plant

V.

RECEIVING WATERS:

The discharge from Outfall 001 is by pipe into the Inner Harbor Navigation Canal; thence into the Mississippi River Gulf Outlet in Subsegment 041501 of the Lake Pontchartrain Basin. This segment is not listed on the 303(d) list of impaired waterbodies.

The discharge from Outfall 002 is into Bayou Bienvenue in Subsegment 041801 of the Lake Pontchartrain Basin. This segment is not listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Subsegments 041501 and 041801 of the Lake Pontchartrain Basin are as indicated in the table below^{1/}:

Overall Degree of Support for Segment	Degree of Support of Each Use						
	Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
Full	Full	Full	Full	N/A	N/A	N/A	N/A

^{1/}The designated uses and degree of support for Subsegments 041501 and 041801 of the Lake Pontchartrain Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2004 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

VI.

ENDANGERED SPECIES:

The receiving waterbodies, Subsegment 041501 and 041801 of the Lake Pontchartrain Basin, are not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated October 21, 2005, from Watson (FWS) to Gautreaux (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

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VII. HISTORIC SITES:

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

VIII. PUBLIC NOTICE:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit modification and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

For additional information, contact:

Mr. Todd Franklin
Permits Division
Department of Environmental Quality
Office of Environmental Services
P. O. Box 4313
Baton Rouge, Louisiana 70821-4313

IX. PROPOSED PERMIT LIMITS:

Subsegment 041501, Inner Harbor Navigation Canal-Mississippi River Lock to Lake Pontchartrain, and Subsegment 041801, Bayou Bienvenue-headwaters to Hurricane Gate at Mississippi River Gulf Outlet, are not listed on LDEQ's Final 2004 303(d) List as impaired, and to date no TMDL's have been established. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by any future TMDLs.

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Final Effluent Limits:**OUTFALL 001 – treated bilge and ballast water**

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Average	Daily Maximum	Basis
Chemical Oxygen Demand (COD)	200 mg/l	300 mg/l	Best Professional Judgement (BPJ) based on existing permits with similar outfalls.
Oil & Grease	---	15 mg/l	BPJ based on existing permits with similar outfalls.

Other Effluent Limitations:**1) pH**

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time. (Limits as established through BPJ considering BCT for similar waste streams in accordance with LAC 33:IX.5905.C.).

2) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

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OUTFALL 002 – treated sanitary wastewater

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Weekly Avg.	Basis
BOD ₅	N/A*	---	45 mg/l	Limits are set in accordance with the Statewide Sanitary Effluent Limitations Policy (SSELP).
TSS	N/A*	---	45 mg/l	Since there is no numeric water quality criterion for TSS, and in accordance with the current Water Quality Management Plan, the TSS effluent limitations shall be based on a case-by-case evaluation of the treatment technology being utilized at a facility. Therefore, a Technology Based Limit has been established through Best Professional Judgement for the type of treatment technology utilized at this facility.

*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD₅ and TSS in terms of concentration.

Other Effluent Limitations:**1) Fecal Coliform**

The discharge from this facility is into a water body which has a designated use of Primary Contact Recreation. According to LAC 33:IX.1113.C.5.b.i, the fecal coliform standards for this water body are 200/100 ml and 400/100 ml. Therefore, the limits of 200/100 ml (Monthly Average) and 400/100 ml (Weekly Average) are proposed as Fecal Coliform limits in the permit. These limits are being proposed through Best Professional Judgement in order to ensure that the water body standards are not exceeded, and due to the fact that existing facilities have demonstrated an ability to comply with these limitations using present available technology.

2) pH

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time. (Limits as established through BPJ considering BCT for similar waste streams in accordance with LAC 33:IX.5905.C.).

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3) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

XI. PREVIOUS PERMITS:

This facility is currently covered under the LPDES Storm Water Multi-Sector General Permit (MSGP), which was effective May 1, 2001, and reissued on May 1, 2006.

XII. ENFORCEMENT AND SURVEILLANCE ACTIONS:**A) Inspections**

A review of the files indicates that no recent inspection have been performed for this facility.

B) Compliance and/or Administrative Orders

A review of the files indicates that no recent enforcement actions have been administered against this facility.

C) DMR Review

A review of the files indicates that no recent DMRs have been submitted for this facility.

XIII. ADDITIONAL INFORMATION:

Please be aware that the Department will be conducting a TMDL in the Lake Pontchartrain Basin scheduled for completion in 2011. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions as a result of the TMDL. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

The Monitoring Requirements, Sample Types, and Frequency of Sampling shall be as shown below:

Outfall 001Effluent CharacteristicsMonitoring Requirements

<u>Measurement</u>	<u>Sample</u>
<u>Frequency</u>	<u>Type</u>

Flow	1/month	Estimate
COD	1/month	Grab
Oil & Grease	1/month	Grab
pH	1/month	Grab

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Outfall 002Effluent CharacteristicsMonitoring Requirements

	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	1/year	Estimate
BOD ₅	1/year	Grab
TSS	1/year	Grab
Fecal Coliform	1/year	Grab
pH	1/year	Grab

Storm Water Pollution Prevention Plan (SWP3) Requirement

As per LAC 33:IX.2511.B14.f, stormwater discharges from facilities classified as SIC Code 5093 are considered to be associated with industrial activities. Therefore, an SWP3 requirement is included in the permit.

The SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility.

XIV

TENTATIVE DETERMINATION:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in this Statement of Basis.

XV

REFERENCES:

Louisiana Water Quality Management Plan, Vol. 8, "Wasteload Allocations and Discharger Inventory," Louisiana Department of Environmental Quality, 1992.

Louisiana Water Quality Management Plan, Vol. 5-B, "Water Quality Inventory," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Southern Scrap Material Company, LLC, September 17, 1998.